

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Docket No. Q60198

First named inventor: Jae Moon JO

Group Art Unit: 2624

Application Number: 09/654,939

Examiner: Lillis, Eileen Dunn

Filed: August 31, 2000

Title: **ADAPTIVE VARIABLE-LENGTH CODING AND DECODING METHODS FOR IMAGE DATA**

Attention: Office of Petitions

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450,

Alexandria, VA 22313-1450

FAX: (703) 872-9306

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

1. Petition fee
 - ☐ Small entity - fee \$ _____ (37 C.F.R. § 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.
 - ☒ Other than small entity - fee \$ 1,540.00 (37 C.F.R. § 1.17(m)).
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in the form of
a Supplemental Amendment Under 37 C.F.R. § 1.116 (identify type of reply):
 - ☐ has been filed previously on _____.
 - ☒ is enclosed herewith.
 - B. The issue fee of \$ _____.
 - ☐ has been paid previously on _____.
 - ☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
 - ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
 - ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 C.F.R. § 1.137(b) was unintentional (MPEP § 711.03(c), subsections (III)(C) and (D))].
 - ☒ The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
 - ☐ See Attached Statement.

March 18, 2008

Date

202-857-3358

Telephone

Signature

Seunghee Park

Typed or printed name

60,719

Reg. No.

SUGHRUE MION, PLLC

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

- Enclosures:
- ☒ Fee(s) Payment
 - ☒ Reply
 - ☐ Terminal Disclaimer
 - ☒ Additional sheets containing statements establishing unintentional delay
 - ☐

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Divisional Reissue Application of

Docket No: Q60198

Jae Moon JO, et al.

Appln. No.: 09/654,939

Group Art Unit: 2624

Confirmation No.: 7212

Examiner: Lillis, Eileen Dunn

Filed: August 31, 2000

For: **ADAPTIVE VARIABLE-LENGTH CODING AND DECODING METHODS FOR
IMAGE DATA**

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In support of the accompanying Petition for Revival of Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b), the following statement of facts is submitted establishing that the entire delay in filing the required reply, from the due date for the required reply to the filing of a grantable petition under 37 C.F.R. § 1.137(b), was unintentional.

1. The present application is a divisional (reissue) application of Application Ser. No. 09/638,896 issued as U.S. Reissued Patent RE39,167 on July 11, 2006. Application Ser. No. 09/638,796 is a reissue of U.S. Patent No. 5,793,897 issued on August 11, 1998.

2. On November 21, 2005, a Final Office Action for the above-identified application was mailed. The Final Office Action states that (i) claims 1-3 are allowed; claims 18, 19, 23 and 24 are rejected; and claims 9-11 and 20-22 are objected to.

3. On February 21, 2006, an Amendment under 37 C.F.R. § 1.116 that replies to the Final Office Action was duly filed.

4. On March 9, 2006, an Advisory Action was mailed to indicate that the rejections over all prior arts are overcome; but the claims stand rejected due to a defective reissue declaration; however, the amendments made in the § 1.116 Amendment will be entered and allowed upon receipt of an appropriate supplemental reissue declaration under 37 C.F.R. § 1.75(b)(1).

5. On April 20, 2006, a Supplemental Amendment under 37 C.F.R. § 1.116 was filed including a supplemental reissue declaration reciting at least one error on which the reissue application relies on.

6. On February 27, 2008, a Notice of Abandonment was mailed indicating that “[t]his application is abandoned in view of ... Applicant’s failure to timely file a proper reply to the Office letter mailed on November 21, 2005 ... [a] proposed reply was received on 2/21/06, but it does not constitute a proper reply under 37 C.F.R. § 1.113(a) to the final rejection.” The Notice further indicates a list of problems in the reissue application with respect to cross-referencing to all co-pending applications, reissue claim presentation, a 37 C.F.R. § 3.73(b) statement, and consent of assignee to the reissue application.

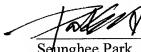
7. Since April 20, 2006 when Applicant filed a Supplemental Amendment including a reissue declaration, Applicant had only been awaiting a notice of allowance as all the rejections were overcome and the required reissue declaration was submitted in accordance with the Advisory Action of March 9, 2006. Applicant had been frequently consulting the Examiner(s) in 2006 and 2007 to inquire the status of the application by calling the Examiner. In 2006, Applicant was informed that the Examiner who had been in charge of the application would no longer examine the application and the application was transferred from the Examiner. Applicant’s internal records show that the Patent Application Information Retrieval (PAIR) of the USPTO website had listed the status of the application until January 2008 only as “response after final office action forwarded to examiner” as of the status date “05-05-2006”. In 2007, Applicant also inquired the status of the application by calling the Examiner listed on the PAIR at least on June 21, 2007, August 17, 2007 and December 10, 2007, and was informed that the application was allowable and only under a quality review before issuance.

8. Nonetheless, the Special Program Examiner informed Applicant on January 30, 2008 that the application was determined as abandoned, and stated that Applicant's § 1.116 Amendment of February 21, 2006 was an improper reply to the Final Office Action of November 21, 2005 even though the improperness was found at the Quality Assurance Center more than two years after filing the § 1.116 Amendment. The Special Program Examiner added, however, that if the application is revived through a proper course of petition, the application may be allowed.

9. Upon information and belief, Applicant could not have predicted that the application would ever be abandoned after almost two years after Applicant's filing of the § 1.116 Amendment and the Supplemental § 1.116 Amendment, while the above-mentioned problems of the reissue application (indicated in the Abandonment Notice) were never discussed with the Examiner before and after the last office action (Advisory Action) was mailed on March 9, 2006. These problems were also not indicated during the inquiries of the application status by Applicant in 2006 and 2007.

10. Thus, in view of the above, the entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b), was unintentional.

Respectfully submitted,



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